

**REMARKS**

Claims 1-10 are pending in this application. By this Amendment, claims 1 and 2 are amended. Support for the amendment to claim 1 is provided at least in the specification on page 11, lines 9 and 10. No new matter is added. A Request for Continued Examination is attached. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action objects to claim 1. Applicants amend claim 1 to obviate the objection. Withdrawal of the objections is requested.

The Office Action rejects claims 1, 2 and 9 under 35 U.S.C. §102(b) over U.S. Patent No. 3,308,818 to Rutkowski. Applicants respectfully traverse the rejection.

Rutkowski discloses an injection cartridge that includes a deformable injectant container 14 (see, e.g., col. 1, lines 59-61). Rutkowski fails to disclose the elements of a reservoir containing a liquid active principle and an expanding membrane. The Office Action asserts that the injectant container disclosed in Rutkowski is itself an expanding membrane. Rutkowski does not disclose the separate elements of (1) a reservoir containing a liquid active principle and (2) an expanding membrane, as recited in claim 1. Further, Rutkowski fails to disclose an expanding membrane that constitutes a sealed wall between a combustion chamber and a reservoir of active principle, as recited in claim 1. Claim 1, as well as claims 2 and 9 which depend from claim 1, are allowable over Rutkowski.

The Office Action rejects claims 1-7 and 9 under 35 U.S.C. §103(a) over Lell (U.S. Patent No. 7,160,265) in view of Schwebel et al. (U.S. Patent No. 3,802,430) (Schwebel); and rejects claims 8 and 10 under 35 U.S.C. §103(a) over Lell in view of Schwebel and further in view of Bellhouse et al. (U.S. Patent No. 6,328,714). Applicants respectfully traverse the rejections.

The combination of Lell and Schwebel would not have suggested a disposable needleless injection device comprising an expanding membrane that has the shape of a cap and is made of an extensible material, as recited in independent claim 1. The Office Action admits that Lell does not teach an expanding membrane. Schwebel teaches a bellows 42 that is sealed on one end by a separate element, namely, a piston 44 (see, e.g., col 3, lines 30-31), and does not teach an expanding membrane that has the shape of a cap. Thus, Schwebel does not overcome the deficiencies of Lell. The combination of Lell and Schwebel would not have suggested an expanding membrane that has the shape of a cap and is made of an extensible material, as recited in independent claim 1. Claim 1, as well as claims 2-9 which depend from claim 1, are allowable.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RMJ/hms

Attachment:

Request for Continued Examination

Date: October 12, 2007

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